

PATENT COOPERATION TREAT

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

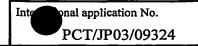
Applicant's or agent's file reference M1-A0201Y1P	FOR FURTHER AC	TION	See Form PCT/IPEA/416			
International application No. PCT/JP2003/009324	International filing dat 23 July 2003 (Priority date (day/month/year)			
International Patent Classification (IPC) or n A61K 31/721, A61P 1/04, 31/00	ational classification and		23 July 2002 (23.07.2002)			
·						
Applicant	MEIJI DAIRIES C	CORPORATION				
 This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36. 						
2. This REPORT consists of a total of	2. This REPORT consists of a total of 4 sheets, including this cover sheet.					
3. This report is also accompanied by A	NNEXES, comprising:					
a. (sent to the applicant and	a. (sent to the applicant and to the International Bureau) a total of sheets, as follows:					
sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).						
sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.						
b. (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s))						
4. This report contains indications relat	ing to the following item	ns:				
Box No. I Basis of the re	Box No. I Basis of the report					
Box No. II Priority						
Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability						
Box No. IV Lack of unity of invention						
Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement						
Box No. VI Certain documents cited						
Box No. VII Certain defects in the international application						
Box No. VIII Certain observations on the international application						
Date of submission of the demand		Date of completion o	f this report			
30 January 2004 (30.01.2004)		21	May 2004 (21.05.2004)			
Name and mailing address of the IPEA/JP		Authorized officer				
Faccimile No.		Talanhana No				

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

Interior on all application No.
PCT/JP2003/009324

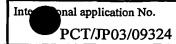
Box No. I	Basis of the report
	d to the language, this report is based on the international application in the language in which it was filed, unless ndicated under this item.
	report is based on translations from the original language into the following language, ch is language of a translation furnished for the purpose of:
	international search (under Rules 12.3 and 23.1(b))
	publication of the international application (under Rule 12.4)
	international preliminary examination (under Rules 55.2 and/or 55.3)
furnished t	d to the elements of the international application, this report is based on (replacement sheets which have been to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" to annexed to this report):
	international application as originally filed/furnished
	escription:
page page	
page	
	laims:
page	
page	
page	
page	
the d	rawings:
page	
page	received by this Authority on
page	received by this Authority on
a seq	uence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. The	amendments have resulted in the cancellation of:
	the description, pages
	the claims. Nos.
	the drawings, sheets/figs
	the sequence listing (specify):
	any table(s) related to sequence listing (specify):
	any more(s) related to sequence fishing (spectyy).
made	report has been established as if (some of) the amendments annexed to this report and listed below had not been c, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box e 70.2(c)).
ᅵ 片	the description, pages
	the claims, Nos.
	the drawings, sheets/figs
	the sequence listing (specify):
	any table(s) related to sequence listing (specify):
* If item 4 ap	plies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY



Box No. III Non-establishment of opinion with re	gard to novelty, inventive step and industrial applicability
The questions whether the claimed invention appears applicable have not been examined in respect of:	to be novel, to involve an inventive step (to be non obvious), or to be industrially
the entire international application.	·
claims Nos. 7-10	
because:	·
the said international application, or the said	d claims Nos. 7-10 does not require an international preliminary examination (specify):
The inventions of claims 7-10 concern a r	nethod for treating the human body by therapy.
the description, claims or drawings (indicate are so unclear that no meaningful opinion c	e particular elements below) or said claims Nosould be formed (specify):
the claims, or said claims Nos. by the description that no meaningful opinion	are so inadequately supported on could be formed.
no international search report has been esta	blished for said claims Nos. 7-10
the nucleotide and/or amino acid sequence Administrative Instructions in that: the written form	listing does not comply with the standard provided for in Annex C of the has not been furnished does not comply with the standard
the computer readable form	has not been furnished
	does not comply with the standard
	nino acid sequence listing, if in computer readable form only, do not comply with Annex C-bis of the Administrative Instructions.
see Supplemental Box for further details.	





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Claims	11-13	YES
Claims	1-6	NO
Claims		YES
Claims	1-6, 11-13	NO
Claims	1-6, 11-13	YES
Claims		NO
	Claims Claims Claims Claims	Claims 1-6 Claims 1-6, 11-13 Claims 1-6, 11-13

2. Citations and explanations (Rule 70.7)

Document 1) JP 51-41083 A

Based on the description in document 1 cited in the international search report, the inventions of claims 1-6 lack novelty and an inventive step. Document 1 states that poly-phosphorylated esters of dextran induce interferon, and that they can be used as a drug. The poly-phosphorylated esters of dextran are one and the same as the phosphorylated dextran referred to in the inventions of this application, and therefore the inventions of claims 1-6 are either identical to those described in document 1, or they can easily be conceived of by persons skilled in the art based on the description in document 1.

Based on the description in document 1 cited in the international search report, the inventions of claims 11-13 lack an inventive step. Document 1 describes the poly-phosphorylated esters of dextran, i.e., phosphorylated dextran, obtained by heating and reacting together dextran and polyphosphoric acid in dimethyl formamide. The method of the inventions of claims 11 and 12 differs from the description in document 1 because the reaction is carried out in formaldehyde solution, and the composition of the inventions of claim 13 differs from the description in document 1 because the phosphorylated dextran is prepared by a method involving a process step using phosphate buffer and a process step in which the reaction solution is lyophilized. However, the use of formaldehyde as a reaction solvent per se and the use of the above various process steps per se are matters that can be selected by persons skilled in the art as needed, and this examination finds that no particularly advantageous effect such as a prominent enhancement of the phosphoric acid content of the phosphorylated dextran obtained or a prominent enhancement of the interferon inducting capability is obtained by adopting these process steps.